

Confirmation No. 2382

PC25870A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : David James Dooley, et al.

EXAMINER : Deborah D. Carr

SERIAL NO. : 10/734,917

ART UNIT : 1621

FILED : December 12, 2003

PAPER NO :

FOR : Alpha2delta Ligands for Fibromyalgia and Other Disorders

Statement as Provided by 37 CFR 1.97(b)
Required Submission Under 37 CFR 1.114(C)

Mail Stop: RCE
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, Applicants hereby submit an Information Disclosure Statement (IDS) on the enclosed Form PTO/SB/08A. The items of information listed on the enclosed form are brought to the attention of the Examiner. The IDS accompanies a Request for Continued Examination (RCE), and serves as the required submission under 37 C.F.R. § 1.114(c).

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits, following the filing of the RCE.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form PTO/SB/08A is provided.

In addition, a copy of a previously filed Form PTO/SB/08A is attached for the Examiner's convenience. Applicants request that the Examiner consider the references on the previously submitted Form PTO/SB/08A along with those from the newly filed Form PTO/SB/08A.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

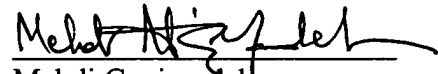
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of each of the attached PTO/SB/08A Forms initialed as being considered by the Examiner, to the undersigned with the next official communication.

US 10/734,917
Docket No. PC25870A
Express Mail No. E545392623US
FILED December 12, 2003

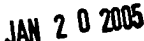
Authorization is hereby given to charge the required fee under 37 C.F.R. §1.17(p), any other necessary filing fees and any additional fees or credit any overpayment to Deposit Account 23-0455.

Respectfully submitted,

Dated: January 20, 2005


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Attachment: Previously filed Form PTO/SB/08A (3 Pgs)



Approved for use through 04/30/2003. OMB 0651-0031

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| Sheet | 1 | of | 2 |
|-------|---|----|---|

Complete if Known

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|------------------------|-----------------|
| Application Number | 10/734,917 |
| Filing Date | 12/12/2003 |
| First Named Inventor | David J. Dooley |
| Art Unit | 1621 |
| Examiner Name | Unknown |
| Attorney Docket Number | PC25870A |

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|---|------------------|---|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ *Number ⁴ *Kind Code ⁵ (if known) | MM-DD-YYYY | | | |
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Date
Considered

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| Sheet | 2 | of | 2 | Application Number | 10/734,917 |
| | | | | Filing Date | December 12, 2003 |
| | | | | First Named Inventor | David J. Dooley |
| | | | | Group Art Unit | 1621 |
| | | | | Examiner Name | Unknown |
| | | | | Attorney Docket Number | PC25870A |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------------------|---|----------------|
| Examiner Initials ¹ | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

| | |
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| Application Number | 10/734,917 |
| Filing Date | December 12, 2003 |
| First Named Inventor | David James Dooley, et al. |
| Art Unit | 1621 |
| Examiner Name | Deborah D. Carr |
| Attorney Docket Number | PC25870A |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | | Number-Kind Code ² (if known) | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|-----------------------------------|--|---|--------------------------|
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | | WO 01/13904 A2 | 03-01-2001 | Ortho-Mcneil Pharmaceutical Inc. | | <input type="checkbox"/> |
| | | WO 01/45714 A2 | 06-28-2001 | Glaxo Group Limited | | <input type="checkbox"/> |
| | | WO 02/34237 A1 | 05-02-2002 | New River Pharmaceuticals Inc. | | <input type="checkbox"/> |
| | | WO 03/061656 A1 | 07-31-2003 | Endo Pharmaceuticals Inc. | | <input type="checkbox"/> |
| | | DE 198 02 327 A1 | 07-29-1999 | Godecke AG | | <input type="checkbox"/> |
| | | | | | | <input type="checkbox"/> |

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